REMARKS

In the Official Action dated September 16, 2008, the Examiner rejected pending claims 1-23 and 25-35 and 36-47. Applicants request that the Examiner reconsider the rejection in light of the following discussion.

In the Official Action, the Examiner recognizes that the primary reference JP403-163245 does not teach or suggest several features of the pending claims, including the feature that the tensioner comprises a housing having a first connector and the arm having a second connector for connecting the arm to the housing. Further, the Examiner recognizes that JP403-163245 does not teach or suggest an indicator as recited in the claims. Applicants reiterate that they disagree how the Examiner has picked through the prior art using Applicants' disclosure as a roadmap to attempt to show that Applicants' claimed method and apparatus is obvious, and accordingly request that the Examiner reconsider the rejection. Furthermore, as discussed below in detail, even with the proposed combination, the prior art lacks the combination of features because the prior art does not teach or suggest the features of the indicator recited in the claims.

Referring to claim 1, the claim recites "an indicator operable to indicate which direction is the preferred direction when the biasing element is in a relaxed state". The Examiner maintains that the indicator of St. John's 4,957,471 teaches such an indicator, but it appears that the Examiner misunderstands the operation of St. Johns, and/or what would result if the user were to reverse the biasing element in the St. John's device.

The Examiner contends that "In the relaxed state, the indicator would move either to the far right or the far left to indicate the preferred direction." See. Pg. 5 of Office Action dated Sept. 16, 2008. However, the Examiner does not provide any

basis for this belief, and it appears that the belief is mistaken. This misunderstanding is most easily understood by looking at Fig, 6 of Applicants' disclosure.

Figure 6 of the present application shows the torsion spring 35 of Applicants' device within the housing. The preferred direction of using this tensioner is so that the convolutions are compressed inwardly by rotating the coils counter-clockwise from the perspective of Figure 6. The spring 35 will also provide a biasing force if the spring is rotated clockwise, but this essentially "unwraps" the spring, which is not desirable. However, since the housing is closed, the user cannot tell that the spring is being "unwrapped" by rotating it clockwise to provide a tensioning force.

Looking at Figure 6, it can be seen that if the spring is flipped over, the position of the end of the spring does not change, which is what the Examiner contends. Instead, the only change is the direction of the tongue 38 at the outer end of the spring.

Interestingly, the fact that the position of the outer end would not change highlights the problem with the configuration in St. John '471. First off, if the pointer 15 points to a mid-portion of the marking lines 14 in slot 11a when the tensioner is in the relaxed position, then if the spring is flipped, the pointer will still point to the midpoint, so the user will not know whether the spring is being tensioned in the proper direction. Similarly, if the pointer 15 points to one of the end marking lines 14 when the spring is in the relaxed position, then when the spring is flipped, the spring will still point to the same end marking line, and the user will only have one direction that the tensioner can be rotated, which could be the undesirable direction. However, the user will not know whether that direction is wrapping or unwrapping the spring because the indicator lines simply show the amount of bias relative to the relaxed state. The lines do not show whether the spring is providing a biasing force by compressing the spring or by unwrapping the spring.

In light of the foregoing, St. John '471 does not teach or suggest the features of the indicator recited in Applicant's claims. For this additional reason, Applicants request that the Examiner reconsider the rejection of the pending claims.

Further still, with regard to claims 5-6, the Examiner has stated that the prior art inherently teaches these features. However, Applicants cannot see how these features are taught or suggested anywhere in the prior art. For instance, claim 5 recites that

> the indicator is connectable to the housing in a first orientation to indicate that the preferred direction is a clockwise direction and a second orientation to indicate that the preferred direction is a counter-clockwise direction.

However, St. John '471 does not show a way in which the connector can be connected to a housing in two different orientations. Additionally, in claim 1 the housing is recited as an element in which the spring is disposed. The indicator in St. John '471 is connected to the base plate, not the housing.

Additionally, claim 6 recites that:

> the indicator is cooperable with a portion of the biasing element such that the biasing element impedes connection of the indicator to the housing in the first orientation when the biasing element is in the second orientation.

St. John does not teach or suggest in any fashion that the biasing element impedes connection of the indicator to the housing in the first orientation when the biasing

element is in the second orientation. If the Examiner maintains that St. John or the other prior art discloses such a feature, Applicants request that the Examiner specify which elements teach or suggest such features.

With regard to the Double patenting rejection, Applicants reiterate that the claims in the Cura patent do not recite the features of the indicator as recited in the pending claims. As discussed above, the indicator is a separately patentable feature so that a double patenting rejection is inappropriate. Accordingly, Applicants request that the Examiner reconsider the Double Patenting rejection of the pending claims.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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